

Application Serial No.: 09/524,253

Attorney Docket No. 089070-0311364 (23449-009)

In Response to Office Action mailed December 22, 2004

REMARKS

In response to the Non-Final Office Action ("Paper No. 18") mailed December 22, 2004, claims 1-26 have been cancelled without prejudice or disclaimer, and claims 27-51 have been newly added. Therefore, claims 27-51 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

Newly Added Claims

The Examiner has rejected claims 1-2, 10-14, and 21-25 under 35 U.S.C. §103(a), alleging that they are unpatentable over U.S. Patent No. 6,064,984 to Ferguson *et al.* ("Ferguson") in view of Brown *et al.* ("Brown") (The Accounting Review July 1979, pgs. 585-591). *See* Paper No. 18, pg. 3, ¶5. The Examiner has also indicated that claims 3-9, 15-20, and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See* Paper No. 18, pg. 4, ¶6.

Applicant disagrees with the 35 U.S.C. §103(a) rejections set forth by the Examiner. However, solely in an effort to expedite prosecution, claims 1-26 have been cancelled (thus rendering the Examiner's rejections moot), and claims 27-50 have been added in accordance with the Examiner's indication of allowable subject matter.

Newly added independent claim 51 recites, *inter alia*, the feature of "wherein the historical view module enables a user to view simultaneously, for one or more analysts, current earnings estimates for each analyst, for a predetermined period, for a predetermined

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earnings event and an indication of the historical accuracy of earnings estimates of the analysts.” Neither Ferguson nor Brown, either alone or in combination, appear to disclose, teach, or suggest *at least* this feature. Accordingly, claim 50 is patentable over the references relied upon by the Examiner.

Applicant expressly maintains that the claims pending prior to this Amendment (claims 1-26) are patentable over the references relied upon by the Examiner. Applicant expressly reserves the right to pursue the subject matter of these claims in a continuation application, and to traverse the Examiner’s unsupported contention (Paper No. 18, pg. 4) that the features of one or more of the claims are old and well known in the art.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3, 5-9, 13, 17, 18, and 21 stand rejected under 35 U.S.C. §112, second paragraph for allegedly failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. In particular, the Examiner alleges that the phrases “*to enable users to,*” “*enables a user to,*” and “*for enabling a user to*” render the claims indefinite because it is unclear whether the limitations following such phrases are part of the claimed invention. See Paper No. 18, pg. 2, ¶’s 2-3. Although the cancellation of claims 1-26 renders this rejection moot, Applicant presents similar language in one or more of newly added claims 27-50. Accordingly, Applicant traverses this rejection for at least the reasons set forth below.

The Examiner erroneously relies on MPEP §2173.05(d) as justification for the rejection. See Paper No. 18, pg. 2, ¶3. This section is not relevant to Applicant’s claims, however, as it addresses the use of exemplary or preferential claim language similar to “such

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as” and “for example.” Neither cancelled claims 1-26 nor newly added claims 27-51 include such language.

Moreover, the claim language following the phrases “*to enable users to*,” “*enables a user to*,” and “*for enabling a user to*” further describes various features and aspects of Applicant’s invention. For example, in many of the claims, various features and aspects of the claimed “historical view module” are described by the language that follows the aforementioned phrases. The use of such phrases does not render Applicant’s claims indefinite, nor would the phrases prevent a person of ordinary skill in the art from interpreting the metes and bounds of the claims in which they are recited. Accordingly, this rejection is improper and should be withdrawn.

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CONCLUSION

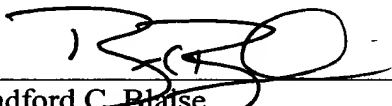
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: March 29, 2005

Respectfully submitted,

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